

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

| | | |
|---------------------------------|---|---------------------|
| VICKIE MARSH, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civ. No. 04-217-P-S |
| |) | |
| JO ANNE B. BARNHART, |) | |
| Commissioner, |) | |
| Social Security Administration, |) | |
| Defendant. |) | |
| _____ |) | |

Order

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. '405(g), and in light of the government=s request to remand this action for further development of the record by an administrative law judge (AALJ@),

IT IS HEREBY ORDERED that, upon remand, the Appeals Council hold another administrative hearing. On remand, the Appeals Councils will direct the ALJ to reevaluate the claimant's RFC and, if the claimant is found incapable of the full range of any exertional category of work, the ALJ will obtain VE evidence to show the effect of the claimant's limitations on her occupational base. Plaintiff has reviewed the terms of the remand as set forth in the motion.

Therefore, this court hereby reverses the Commissioner=s decision under sentence four of 42 U.S.C. '405(g) with a remand of the cause to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S.

89 (1991). The clerk of the court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

/s/George Z. Singal
George Z. Singal,
Chief U.S. District Judge

SO ORDERED this 29th day of April, 2005.